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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

ANITA BENOIT,
Plaintiff
VERSUS

CIVIL ACTION
NO. CV07-1109-A

WESTPORT INSURANCE CORP.,
et al.,
Defendants

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are partially correct under the applicable law;

IT IS ORDERED that Plaintiff's motion to exclude the testimony of Mr. Tekell (Doc. #39) is **GRANTED** as to any evidence referenced in the Report and Recommendation. Mr. Tekell is not, however, barred from testifying entirely, provided the proposed testimony has been properly disclosed in accordance with the Scheduling Order.

IT IS FURTHER ORDERED that Defendants' motion to exclude the testimony of Mr. Hebert (Doc. #38) is **GRANTED IN PART**. Mr. Hebert will only be allowed to testify as to Plaintiff's loss of earning capacity based upon a wage scale proven by Plaintiff's work history. He may also be asked to calculate what amounts result if Plaintiff establishes that she would, more likely than not, have received promotions.

Any additional issues regarding the testimony of these experts may be raised by telephone status conference with the undersigned before trial.

THUS ORDERED AND SIGNED in Chambers at ALEXANDRIA,
Louisiana, on this 15th day of SEPTEMBER, 2009.

A handwritten signature in black ink, appearing to read 'Drell', is written over a horizontal line.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE